

AMENDED IN SENATE JUNE 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1759**

**Introduced by Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk)**

March 11, 2003

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~~An act relating to the Budget Act of 2003.~~ *An act to amend Section 116.820 of, to amend, repeal, and add Section 116.230 of, and to add Section 1021.8 to, the Code of Civil Procedure, to amend Sections 12598, 12989.3, 68086, 68926, 68926.1, 68927, and 69927 of, to amend, repeal, and add Sections 26827, 26830, 72055, and 72056 of, to add Sections 12530, 68085.5, 68933, and 69926.5 to, and to add and repeal Section 26826.4 of, the Government Code, and to add Section 1465.8 to the Penal Code, relating to courts, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1759, as amended, Committee on Budget. ~~Budget Act of 2003~~  
*Court fees.*

(1) (a) *Existing law specifies a fee of \$35 for filing each small claims action in excess of 12 claims in 12 months, \$5 of which is to be transmitted monthly from the county treasury to the Controller for deposit in the Trial Court Trust Fund.*

*This bill would, until July 1, 2006, increase that fee to \$60, and increase the amount of that fee to be transferred to the Trial Court Trust Fund to \$30.*

*(b) Existing law sets the civil filing fee for a notice of motion, any other paper subsequent to a first paper that requires a hearing, a notice of intent to move for a new trial, and an application to review a judgment, with certain exceptions, at \$23, and the fee for a motion for summary judgment or summary adjudication of issues at \$100. Out of each these fees, \$14 goes to the county treasury as county general revenue.*

*This bill would increase those fees from \$23 to \$33, and, until July 1, 2006, from \$100 to \$150 respectively; revise the exceptions to the fee; impose, until July 1, 2006, a \$100 fee for the granting of a continuance; and specify that the increases be transmitted from the county treasury to the Controller for deposit in the Trial Court Trust Fund. The bill would also specify that each motion or matter to be heard requires a separate fee.*

*(c) Existing law specifies the total filing fee for first papers in a civil case.*

*This bill would impose a \$20 court security surcharge on total filing fees, to be transferred from the county treasury to the Controller for deposit in the Trial Court Trust Fund. The bill would impose a state-mandated local program by requiring new duties of county treasurers with respect to court security surcharges.*

*(d) Existing law sets the total filing fees for first papers in a limited civil case at \$90, in a case where the amount demanded exceeds \$10,000.*

*This bill would increase those fees to \$185 until July 1, 2006.*

*(e) Existing law imposes a state penalty assessment on fines and forfeitures for certain criminal offenses.*

*This bill would impose a \$20 court security fee on every conviction, as defined, for such a criminal offense, to be transmitted from the county treasury to the Controller for deposit in the Trial Court Trust Fund; and would require the Judicial Council to administer this provision. The bill would impose a state-mandated local program by requiring new duties of county treasurers with respect to court security fees.*

*(f) Existing law establishes various fees for filing specified papers with the court in a civil action.*

*This bill would, until July 1, 2006, establish a \$200 fee to be paid by each party for filing specified papers requesting or opposing the designation of a case as a complex case, and would require payment of the same fee by each party whenever a case is otherwise designated as a complex case upon order of the court. The bill would also specify that*

*these fees are in addition to total filing fees and specified surcharges, and provide for the enforcement of these requirements.*

*(g) Existing law sets the total filing fee for specified first papers in probate proceedings at \$185. Existing law, enacted by initiative, prohibits the state from imposing any inheritance or estate tax, except as specified.*

*This bill would, for estates valued at \$250,000 or more, establish, until July 1, 2006, a progressive total filing fee for certain first papers in probate proceedings, based on the valuation of the estate, of between \$250, and \$3,500 plus 0.2% of the valuation in excess of \$3,500,000. The bill would provide for the administration of these fees, under rules adopted by the Judicial Council, as specified.*

*(h) The bill would provide that these provisions shall become operative only if a specified sum, or more, is appropriated for the support of trial court funding in the Budget Act of 2003; in which event, they shall become operative on the 15th day after the effective date of the bill or on July 1, 2003, whichever is later.*

*(2) Existing provisions of the Code of Civil Procedure, Government Code, Health and Safety Code, Probate Code, and Vehicle Code set forth various court fees to be collected for services provided in conjunction with the operation of the courts, as specified.*

*This bill would require certain court fees that are not subject to a local revenue sharing agreement or practice, as specified, except as to costs incurred by and services provided by the superior court, to be deposited in a special account in the county treasury and transmitted therefrom to the State Controller for deposit in the Trial Court Trust Fund; would provide for the distribution of the revenue from these fees; and would impose new administrative and reporting duties on the Administrative Director of the Courts in this regard. The bill would impose a state-mandated local program by requiring new duties of county treasurers.*

*(3) Existing law entitles the Attorney General to recover from defendants named in a charitable trust enforcement action all actual costs incurred in conducting the action, as specified, and sets forth the procedure for recovery of those costs.*

*This bill would additionally entitle the Attorney General to recover all reasonable attorneys' fees in those actions, and would revise the procedures for the recovery of attorneys' fees and costs, as specified.*

*(4) Existing law provides that in a civil action to enforce public rights laws, as specified, the court, in its discretion may allow the*

*prevailing party, other than the state, reasonable attorneys' fees and costs, as specified.*

*This bill would extend the recovery of reasonable attorneys' fees and costs to the prevailing party in these civil actions, at the discretion of the court, to the state.*

*The bill would also provide that whenever the Attorney General prevails in a civil action to enforce specified public rights, the court shall award to the Attorney General all costs of investigating and prosecuting the action, including expert fees, reasonable attorneys' fees, and costs, to be paid to the Public Rights Law Enforcement Special Fund, which the bill would establish in the State Treasury. These provisions would apply to any action pending on the effective date of the bill and to any actions filed thereafter.*

*The fund would be administered by the Attorney General and, upon appropriation money in the fund would be used by the Attorney General to support the investigation and prosecution of any matter within the authority of the Department of Justice's Public Rights Division.*

*(5) Existing law sets the fees for the services of official court reporters in civil cases, as specified, and provides for the deposit of those fees with the court.*

*This bill would provide an exception to those fees with regard to proceedings lasting one hour or less; revise the provisions governing the deposit of special court reporter fees with the court and the definition of one-half day for these purposes; require a new, one-time fee of \$25 for official court reporter services from each party to a civil action or proceeding unless the amount demanded is \$10,000 or less, as specified; and specify that all these official court reporter fees only be used to pay for court official court reporter services in civil proceedings. The bill would also require the Judicial Council to report each year to the Joint Legislative Budget Committee on the fees collected and amounts spent for official court reporter services in civil proceedings in the prior fiscal year.*

*(6) Existing law imposes specified fees upon filing a notice of appeal in a civil case appealed to a court of appeal, a petition for a writ within the original jurisdiction of the Supreme Court or the court of appeal, and a petition for hearing in a civil case in the Supreme Court after decision in a court of appeal.*

*This bill would increase each of those fees by \$220 and would impose an additional \$170 fee upon filing a notice of appeal. The bill would also establish the Appellate Court Trust Fund, into which each of those*



fees would be deposited and from which, upon appropriation by the Legislature, those fees would be apportioned by the Controller to the courts of appeal and the Supreme Court, as specified.

The bill would provide that these provisions shall become operative only if a specific sum, or more, is appropriated for the support of the judiciary in the Budget Act of 2003; in which event they shall become operative on the 15th day after the effective date of the bill or on July 1, 2003 whichever is later.

(7) The Superior Court Law Enforcement Act of 2002 requires the Judicial Council to adopt a rule establishing a working group on court security.

This bill would require the Judicial Council to establish a working group to promulgate uniform standards and guidelines in regard to court security services, with specified representatives.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(9) The bill would declare that it is to take effect immediately as an urgency statute.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2003.~~

Vote: ~~majority~~ <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. It is the intent of the Legislature to enact~~  
2 ~~statutory changes relating to the Budget Act of 2003.~~

3 SECTION 1. Section 116.230 of the Code of Civil Procedure  
4 is amended to read:

5 116.230. (a) A fee of twenty dollars (\$20) shall be ~~charged~~  
6 ~~and~~ collected for the filing of a claim if the number of claims

1 previously filed by the party in each court within the previous 12  
2 months is 12 or less; ~~and a.~~

3 (b) A fee of ~~thirty-five dollars (\$35)~~ *sixty dollars (\$60)* shall be  
4 collected for the filing of any additional claims.

5 ~~(b)~~

6 (c) A fee to cover the actual cost of court service by mail,  
7 adjusted upward to the nearest dollar, shall be charged and  
8 collected for each defendant to whom the court clerk mails a copy  
9 of the claim under Section 116.340.

10 ~~(c)~~

11 (d) The number of claims filed by a party during the previous  
12 12 months shall be determined by a declaration by the party stating  
13 the number of claims so filed and submitted to the clerk with the  
14 current claim.

15 ~~(d)~~

16 (e) Five dollars (\$5) of the ~~fees~~ *fee* authorized in subdivision  
17 (a) shall be deposited upon collection in the special account in the  
18 county treasury established pursuant to subdivision (b) of Section  
19 68085 of the Government Code, and transmitted therefrom  
20 monthly to the Controller for deposit in the Trial Court Trust Fund.

21 (f) *Thirty dollars (\$30) of the fee authorized in subdivision (b)*  
22 *shall be deposited upon collection in the special account in the*  
23 *county treasury established pursuant to subdivision (b) of Section*  
24 *68085 of the Government Code and transmitted therefrom monthly*  
25 *to the Controller for deposit in the Trial Court Trust Fund.*

26 (g) *This section shall become inoperative on July 1, 2006, and,*  
27 *as of January 1, 2007, is repealed, unless a later enacted statute*  
28 *that is enacted before January 1, 2007, deletes or extends the dates*  
29 *on which it becomes inoperative and is repealed.*

30 SEC. 2. Section 116.230 is added to the Code of Civil  
31 Procedure, to read:

32 116.230 (a) A fee of twenty dollars (\$20) shall be charged  
33 and collected for the filing of a claim if the number of claims  
34 previously filed by the party in each court within the previous 12  
35 months is 12 or less; and a fee of thirty-five dollars (\$35) shall be  
36 collected for the filing of any additional claims.

37 (b) A fee to cover the actual cost of court service by mail,  
38 adjusted upward to the nearest dollar, shall be charged and  
39 collected for each defendant to whom the court clerk mails a copy  
40 of the claim under Section 116.340.



1 (c) *The number of claims filed by a party during the previous*  
2 *12 months shall be determined by a declaration by the party stating*  
3 *the number of claims so filed and submitted to the clerk with the*  
4 *current claim.*

5 (d) *Five dollars (\$5) of the fees authorized in subdivision (a)*  
6 *shall be deposited upon collection in the special account in the*  
7 *county treasury established pursuant to subdivision (b) of Section*  
8 *68085 of the Government Code, and transmitted therefrom*  
9 *monthly to the Controller for deposit in the Trial Court Trust Fund.*

10 (e) *This section shall become operative July 1, 2006.*

11 SEC. 3. *Section 116.820 of the Code of Civil Procedure is*  
12 *amended to read:*

13 116.820. (a) *The judgment of a small claims court may be*  
14 *enforced as provided in Title 9 (commencing with Section*  
15 *680.010) of Part 2 and in Sections 674 and 1174 on the*  
16 *enforcement of judgments of other courts. A judgment of the*  
17 *superior court after a hearing on appeal, and after transfer to the*  
18 *small claims court under subdivision (d) of Section 116.780, may*  
19 *be enforced like other judgments of the small claims court, as*  
20 *provided in Title 9 (commencing with Section 680.010) of Part 2*  
21 *and in Sections 674 and 1174 on the enforcement of judgments of*  
22 *other courts.*

23 (b) ~~Fees as provided in~~ *The fees specified in Sections 26828,*  
24 *26830, and 26834 of the Government Code shall be charged and*  
25 *collected by the clerk for the issuance of a writ of execution, an*  
26 *order of examination of a judgment debtor, or an abstract of*  
27 *judgment. Except as provided in Section 26830 of the Government*  
28 *Code, all the fees shall be deposited in a special account in the*  
29 *county treasury and transmitted therefrom to the Controller for*  
30 *deposit in the Trial Court Trust Fund.*

31 (c) *The prevailing party in any action subject to this chapter is*  
32 *entitled to the costs of enforcing the judgment and accrued interest.*

33 SEC. 4. *Section 1021.8 is added to the Code of Civil*  
34 *Procedure, to read:*

35 1021.8. (a) *Whenever the Attorney General prevails in a civil*  
36 *action to enforce Section 22445, 22446.5, 22958, or 22962 of the*  
37 *Business and Professions Code, Section 52, 52.1, or 55 of the Civil*  
38 *Code, Section 1603.1, 2014, or 5650.1 of the Fish and Game Code,*  
39 *Section 4458, 12606, 12607, 12598, 12989.3, 66640, 66641, or*  
40 *66641.7 of the Government Code, Section 13009, 13009.1,*

1 19958.5, 25299, or 118950 of the Health and Safety Code, Section  
2 308.1 or 308.3 of the Penal Code, Section 30820, 30821.6, or  
3 30822 of the Public Resources Code, or Section 275, 1052, 1845,  
4 13350, or 13385 of the Water Code, the court shall award to the  
5 Attorney General all costs of investigating and prosecuting the  
6 action, including expert fees, reasonable attorney's fees, and costs.  
7 Awards under this section shall be paid to the Public Rights Law  
8 Enforcement Special Fund established by Section 12530 of the  
9 Government Code.

10 (b) This section applies to any action pending on the effective  
11 date of this section and to any actions filed thereafter.

12 SEC. 5. Section 12530 is added to the Government Code, to  
13 read:

14 12530. The Public Rights Law Enforcement Special Fund is  
15 hereby established in the State Treasury, to be administered by the  
16 Department of Justice. Moneys in the fund, upon appropriation by  
17 the Legislature, shall be used by the Attorney General to support  
18 the investigation and prosecution of any matter within the  
19 authority of the Department of Justice's Public Rights Division.

20 SEC. 6. Section 12598 of the Government Code is amended to  
21 read:

22 12598. (a) The primary responsibility for supervising  
23 charitable trusts in California, for insuring compliance with trusts  
24 and articles of incorporation, and for protection of assets held by  
25 charitable trusts and public benefit corporations, resides in the  
26 Attorney General. The Attorney General has broad powers under  
27 common law and California statutory law to carry out these  
28 charitable trust enforcement responsibilities. These powers  
29 include, but are not limited to, charitable trust enforcement actions  
30 under all of the following:

31 (1) This article.

32 (2) Title 8 (commencing with Section 2223) of Part 4 of  
33 Division 3 of the Civil Code.

34 (3) Division 2 (commencing with Section 5000) of Title 1 of  
35 the Corporations Code.

36 (4) Sections 8111, 11703, 15004, 15409, 15680 to 15685,  
37 16060 to 16062, 16064, and 17200 to 17210, inclusive, of the  
38 Probate Code.



(5) Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, and Sections 17500 and 17535 of the Business and Professions Code.

(6) Sections 319, 326.5, and 532d of the Penal Code.

(b) The Attorney General shall be entitled to recover from defendants named in a charitable trust enforcement action all *reasonable attorney's fees and actual costs* incurred in conducting that action, including, *but not limited to*, the costs of auditors, consultants, and experts employed or retained to assist with the investigation, preparation, and presentation in court of the charitable trust enforcement action.

~~(c) *Costs Attorney's fees and costs* shall be recovered by the Attorney General pursuant to court order. At the time of entering judgment or approving settlement of a charitable trust enforcement action, as defined in subdivision (a), the court shall make findings on whether the Attorney General's action has resulted in pecuniary benefits or corrected a breach of trust for any charitable organization, or charitable purpose. If the court finds in the affirmative, the court shall award recovery of costs in the charitable trust enforcement action to the Attorney General and~~  
*When awarding attorneys' fees and costs, the court shall order that the attorneys' fees and costs be paid by the charitable organization and the individuals named as defendants in or otherwise subject to the action, in a manner that the court finds to be equitable and fair. The court shall not award costs pursuant to this subdivision which exceed one-third of the pecuniary benefit to any charitable organization or charitable purpose realized by the Attorney General's action.*

(d) Upon a finding by the court that a lawsuit filed by the Attorney General was frivolous or brought in bad faith, the court may award the defendant charity the costs of that action.

(e) (1) The Attorney General may refuse to register or may revoke or suspend the registration of a charitable corporation or trustee, commercial fundraiser, fundraising counsel, or coventurer whenever the Attorney General finds that the charitable corporation or trustee, commercial fundraiser, fundraising counsel, or coventurer has violated or is operating in violation of any provisions of this article.

(2) All actions of the Attorney General shall be taken subject to the rights authorized pursuant to Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2.

*SEC. 7. Section 12989.3 of the Government Code is amended to read:*

12989.3. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of denying to others the full enjoyment of any of the rights granted by this article, or that any group of persons has been denied any of the rights granted by this article and that denial raises an issue of general public importance, the Attorney General shall commence a civil action in any court.

(b) Upon referral from the department, the Attorney General may commence a civil action in any appropriate court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the department under subdivision (b) of Section 12981.

(c) A civil action under this section may be commenced not later than the expiration of 18 months after the date of the occurrence or termination of the alleged discriminatory housing practice.

(d) The Attorney General shall commence a civil action in any appropriate court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the department. A civil action shall be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach.

(e) The Attorney General, on behalf of the department or other party at whose request a subpoena is issued, under this article, shall enforce that subpoena in appropriate proceedings in the court for the judicial district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) In a civil action under this section, the court may award any of the following:

(1) Preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title.

(2) Other relief as the court deems appropriate, including monetary damages to persons aggrieved.

(3) A civil penalty in an amount not exceeding fifty thousand dollars (\$50,000), for a first violation, and in an amount not exceeding one hundred thousand dollars (\$100,000), for any subsequent violation.

(g) In a civil action under this section, the court, in its discretion, may allow the prevailing party, ~~other than the state,~~ reasonable attorney's fees and costs, including expert witness fees, against any party other than the state.

(h) Upon timely application, any person may intervene in a civil action commenced by the Attorney General under this section that involves an alleged discriminatory housing practice with respect to which that person is an aggrieved person or a conciliation agreement to which that person is a party. The court may grant appropriate relief to any intervening party as is authorized to be granted to a plaintiff in a civil action under Section 12989.2.

*SEC. 8. Section 26826.4 is added to the Government Code, to read:*

*26826.4. (a) Each party filing papers requesting or opposing the designation of a case as a complex case, as specified in the California Rules of Court, shall pay a designation fee to the clerk of the court, for the adjudication of the designation, at the time of filing the paper requesting or opposing the designation.*

*(b) In each case in which a court has designated a case as a complex case, each party who has not paid the fee provided for by subdivision (a) shall pay a designation fee to the clerk of the court within 10 calendar days of the filing of the court's order.*

*(c) Each party in each case that is designated, counterdesignated, or found to be complex shall pay a separate fee.*

*(d) The fee established by this section shall be two hundred dollars (\$200).*

*(e) The fees provided by this section shall be subject to the surcharge imposed by Section 68087.*

*(f) The fees provided by this section are in addition to the total filing fee authorized by Section 26820.4, 26826, 72055, or 72056, or any other fee authorized by law.*

*(g) Failure to pay the fees required by this section shall have the same effect as the failure to pay a filing fee, and shall be subject to the same enforcement and penalties.*

1     (h) *This section shall become inoperative on July 1, 2006, and,*  
2     *as of January 1, 2007, is repealed, unless a later enacted statute*  
3     *that is enacted before January 1, 2007, deletes or extends the dates*  
4     *on which it becomes inoperative and is repealed.*

5     SEC. 9. *Section 26827 of the Government Code is amended to*  
6     *read:*

7     26827. (a) The total fee for filing the first petition for letters  
8     of administration, a petition for special letters of administration,  
9     a petition for letters testamentary, *or* a first account of a  
10    testamentary trustee of a trust that is subject to the continuing  
11    jurisdiction of the court pursuant to Chapter 4 (commencing with  
12    Section 17300) of Part 5 of Division 9 of the Probate Code, ~~is~~ *is,*  
13    *as follows:*

14    (1) *One hundred eighty-five dollars (\$185) for estates under*  
15    *two hundred fifty thousand dollars (\$250,000).*

16    (2) *Two hundred fifty dollars (\$250) for estates of at least two*  
17    *hundred fifty thousand dollars (\$250,000) and less than five*  
18    *hundred thousand dollars (\$500,000).*

19    (3) *Three hundred fifty dollars (\$350) for estates of at least five*  
20    *hundred thousand dollars (\$500,000) and less than seven hundred*  
21    *fifty thousand dollars (\$750,000).*

22    (4) *Five hundred dollars (\$500) for estates of at least seven*  
23    *hundred fifty thousand dollars (\$750,000) and less than one*  
24    *million dollars (\$1,000,000).*

25    (5) *One thousand dollars (\$1,000) for estates of at least one*  
26    *million dollars (\$1,000,000) and less than one million five*  
27    *hundred thousand dollars (\$1,500,000).*

28    (6) *Two thousand dollars (\$2,000) for estates of at least one*  
29    *million five hundred thousand dollars (\$1,500,000) and less than*  
30    *two million dollars (\$2,000,000).*

31    (7) *Two thousand five hundred dollars (\$2,500) for estates of*  
32    *at least two million dollars (\$2,000,000) and less than two million*  
33    *five hundred thousand dollars (\$2,500,000).*

34    (8) *Three thousand five hundred dollars (\$3,500) for estates of*  
35    *at least two million five hundred thousand dollars (\$2,500,000)*  
36    *and less than three million five hundred thousand dollars*  
37    *(\$3,500,000).*

38    (9) *Three thousand five hundred dollars (\$3,500) plus 0.2*  
39    *percent of the amount over three million five hundred thousand*

dollars (\$3,500,000) for estates of three million five hundred thousand dollars (\$3,500,000) or more.

(b) The petitioner under subdivision (a) shall estimate the value of the decedent's estate in the petition. The filing fee shall be determined based on the estimate by the petitioner at the time the petition is filed. If the final appraised value of the decedent's estate would result in a filing fee different from the filing fee actually paid, an adjustment shall be made at the time of the final account, under rules adopted by the Judicial Council. The filing fee for a trustee under subdivision (a) shall be based on the value of the trust shown in the first account.

(c) The total fee for filing the first petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code, ~~except~~ except as provided in Section 13652 of the Probate Code, or a petition to contest any will or codicil is one hundred eighty-five dollars (\$185).

~~(b) The fee set forth in subdivision (a)~~

(d) A fee of one hundred eighty-five dollars (\$185) shall also be charged for filing any subsequent petition of a type described in subdivision (a) or (c) in the same proceeding by a person other than the original petitioner.

(e) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 26827 is added to the Government Code, to read:

26827. (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, a petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code (except as provided in Section 13652 of the

1 *Probate Code*), or a petition to contest any will or codicil is one  
2 hundred eighty-five dollars (\$185).

3 (b) The fee set forth in subdivision (a) shall also be charged for  
4 filing any subsequent petition of a type described in subdivision (a)  
5 in the same proceeding by a person other than the original  
6 petitioner.

7 (c) This section shall become operative July 1, 2006.

8 SEC. 11. Section 26830 of the Government Code is amended  
9 to read:

10 26830. (a) Except as provided in subdivisions (b) ~~and~~, (c),  
11 and (d), the fee for filing any notice of motion, or any other paper  
12 requiring a hearing subsequent to the first paper, or any notice of  
13 intention to move for a new trial of any civil action or special  
14 proceeding, or an application for renewal of a judgment, is  
15 ~~twenty-three dollars (\$23)~~ thirty-three dollars (\$33).

16 However, there shall be no fee for filing any of the following:

17 (1) An amended notice of motion.

18 (2) ~~A memorandum that a civil case is at issue~~ *civil case*  
19 *management statement*.

20 (3) A hearing on a petition for emancipation of a minor.

21 (4) Default hearings.

22 (5) A show-cause hearing on a petition for an injunction  
23 prohibiting harassment.

24 (6) A show-cause hearing on an application for an order  
25 prohibiting domestic violence.

26 (7) A show-cause hearing on writs of review, mandate, or  
27 prohibition.

28 (8) A show-cause hearing on a petition for a change of name.

29 (9) A hearing to compromise a claim of a minor or an insane or  
30 incompetent person.

31 (b) The fee for filing a motion for summary judgment or  
32 summary adjudication of issues is one hundred *fifty* dollars ~~(\$100)~~  
33 ~~(\$150)~~.

34 (c) The fee for the filing of any motion in small claims court  
35 matters is fourteen dollars (\$14), which shall be deposited in the  
36 county general fund for use as county general fund revenue.

37 (d) *If a continuance is granted, in addition to the notice of*  
38 *motion fee required under subdivision (a), a fee of one hundred*  
39 *dollars (\$100) shall be collected for filing a motion or a stipulation*  
40 *for continuance of a trial, or requesting a continuance for trial*



orally, which shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) Notwithstanding Section 68085, fourteen dollars (\$14) of the ~~twenty-three dollar (\$23)~~ thirty-three dollar (\$33) fee authorized in subdivision (a) and the one hundred fifty dollar ~~(\$100)~~ (\$150) fee established by subdivision (b) shall be deposited in the county general fund for use as county general fund revenue. The balance of the fees collected shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (b), (c), and (d) apply separately to each motion or other paper filed.

(g) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 26830 is added to the Government Code, to read:

26830. (a) Except as provided in subdivisions (b) and (c), the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or an application for renewal of a judgment, is thirty-three dollars (\$33).

However, there shall be no fee for filing any of the following:

- (1) An amended notice of motion.
- (2) A civil case management statement.
- (3) A hearing on a petition for emancipation of a minor.
- (4) Default hearings.
- (5) A show-cause hearing on a petition for an injunction prohibiting harassment.
- (6) A show-cause hearing on an application for an order prohibiting domestic violence.
- (7) A show-cause hearing on writs of review, mandate, or prohibition.
- (8) A show-cause hearing on a petition for a change of name.

1     (9) *A hearing to compromise a claim of a minor or an insane*  
2 *or incompetent person.*

3     (b) *The fee for filing a motion for summary judgment or*  
4 *summary adjudication of issues is one hundred dollars (\$100).*

5     (c) *The fee for the filing of any motion in small claims court*  
6 *matters is fourteen dollars (\$14), which shall be deposited in the*  
7 *county general fund for use as county general fund revenue.*

8     (d) *Notwithstanding Section 68085, fourteen dollars (\$14) of*  
9 *the thirty-three dollar (\$33) fee authorized in subdivision (a) and*  
10 *the one hundred dollar (\$100) fee established by subdivision (b)*  
11 *shall be deposited in the county general fund for use as county*  
12 *general fund revenue. The balance of the fees collected shall all be*  
13 *deposited in a special account in the county treasury and*  
14 *transmitted therefrom monthly to the Controller for deposit in the*  
15 *Trial Court Trust Fund.*

16     (e) *Regardless of whether each motion or matter is heard at a*  
17 *single hearing or at separate hearings, the filing fees required by*  
18 *subdivisions (a), (b), and (c) apply separately to each motion or*  
19 *other paper filed.*

20     (f) *This section shall become operative July 1, 2006.*

21     SEC. 13. *Section 68085.5 is added to the Government Code,*  
22 *to read:*

23     68085.5. (a) *Notwithstanding any other provision of law, the*  
24 *fees and fines collected pursuant to Sections 116.390, 116.570,*  
25 *116.760, 116.860, 491.150, 704.750, 708.160, 724.100, 1134, and*  
26 *1161.2 of the Code of Civil Procedure, Sections 26824, 26828,*  
27 *26829, 26834, and 72059 of the Government Code, and Section*  
28 *1835 of the Probate Code, that are not part of a local revenue*  
29 *sharing agreement or practice shall be deposited in a special*  
30 *account in the county treasury and transmitted therefrom monthly*  
31 *to the Controller for deposit in the Trial Court Trust Fund.*

32     (b) *Notwithstanding any other provision of law, the fees and*  
33 *fines collected pursuant to Sections 26827.6, 26827.7, 26840.1,*  
34 *26847, 26854, 26855.1, 26855.2, 26859, 27293, 71386, and*  
35 *72061 of the Government Code, Section 103470 of the Health and*  
36 *Safety Code, Sections 1203.4 and 1203.45 of the Probate Code,*  
37 *and Sections 2343, 7660, 13201, and 14607.6 of the Vehicle Code,*  
38 *that are not subject to a local revenue sharing agreement or*  
39 *practice, shall be deposited in a special account in the county*

1 *treasury and transmitted therefrom monthly to the Controller for*  
2 *deposit in the Trial Court Trust Fund.*

3 *(c) However, if a superior court incurs the cost or provides the*  
4 *services specified in subdivision (b), the fees and fines collected*  
5 *shall be transmitted from the special account in the county treasury*  
6 *monthly to the Controller for deposit in the Trial Court Trust Fund.*

7 *(d) (1) Until July 1, 2005, each superior court and each county*  
8 *shall maintain the distribution of revenue from the fees specified*  
9 *in subdivisions (a) and (b) that is in effect pursuant to an*  
10 *agreement or practice that is in place at the time this section takes*  
11 *effect.*

12 *(2) In order to ensure that expenditures from revenue sharing*  
13 *agreements are consistent with Judicial Council fiscal and*  
14 *budgetary policy, the Administrative Director of the Courts shall*  
15 *review and approve all distribution of revenue agreements that are*  
16 *negotiated after the effective date of this section. If approval of an*  
17 *agreement negotiated after the effective date of this section is not*  
18 *granted, the director shall advise the court and county of the*  
19 *reasons for not granting approval and suggest modifications that*  
20 *will make the agreement consistent with the Judicial Council fiscal*  
21 *and budgetary policies.*

22 *(e) The Administrative Office of the Courts and the California*  
23 *State Association of Counties shall jointly determine and*  
24 *administer on or after January 1, 2004, and on or after January*  
25 *1, 2005, all of the following:*

26 *(1) The amount of revenue that was deposited in the Trial Court*  
27 *Trust Fund pursuant to subdivision (a) and (b) during the calendar*  
28 *year that just ended.*

29 *(2) The difference between the amount specified in subdivision*  
30 *(c) and thirty-one million dollars (\$31,000,000).*

31 *(3) A county-by-county transfer of the amount specified in*  
32 *paragraph (2) to the Trial Court Trust Fund in two equal*  
33 *installments, on February 15 and May 15, in each fiscal year.*

34 *(4) Any payment to correct for an over-payment or*  
35 *under-payment made for the 2003–04 fiscal year, shall be paid to*  
36 *the appropriate party on or before September 15, 2004.*

37 *(5) The sum of the amounts specified in paragraphs (1) and (2)*  
38 *may not exceed thirty-one million dollars (\$31,000,000), and shall*  
39 *be deposited in the Trial Court Trust Fund.*

(f) Each superior court and each county shall provide detailed quarterly reports of the revenues generated by the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Civil Code of Procedure, and Sections 166 and 1214.1 of the Penal Code. The reports shall include the total amount collected and retained by the court or county and the existing distribution of those fees.

(g) On or before January 1, 2005, the Administrative Office of the Courts and the California State Association of Counties shall jointly propose to the Legislature a long-term revenue allocation schedule, to take effect on July 1, 2005, for the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Civil Code of Procedure, and Sections 166 and 1214 of the Penal Code. The revenue allocation schedule shall include provision for any under-payment or over-payment made pursuant to this section.

(h) No other transfers of the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code shall take effect prior to July 1, 2005.

(i) Nothing in this section shall be deemed to alter or make void the shift of responsibility for court funding from the counties to the state.

SEC. 14. Section 68086 of the Government Code is amended to read:

68086. (a) The following provisions apply in superior court:

(1) In addition to any other ~~trial court~~ fee required in civil actions or cases, for each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official reporter on the first and each succeeding judicial day those services are ~~required~~ provided pursuant to Section 269 of the Code of Civil Procedure.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court ~~at the beginning~~ as specified by the court, but not later than the conclusion of ~~the second and each succeeding~~ day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time, in excess of one hour but not more than four hours, during either the morning or afternoon court session.

(4) *In addition to the fees authorized by Sections 26820.4, 26826, 72055, and 72056, a one-time fee of twenty-five dollars (\$25) for the cost of the services of an official reporter shall be charged to each party upon the filing of a first paper in a civil action or proceeding in the superior court, unless the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less. No additional fee shall be charged to a party for the cost of the services of an official reporter in proceedings lasting one hour or less.*

(5) The costs for the services of the official reporter shall be recoverable as taxable costs ~~at the conclusion of trial~~ by the prevailing party as otherwise provided by law.

~~(5)~~

(6) The Judicial Council shall adopt rules to ensure all of the following:

(A) That parties are given adequate and timely notice of the availability of an official reporter.

(B) That if an official reporter is not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable as provided in paragraph ~~(4)~~ (5).

(C) That if the services of an official pro tempore reporter are utilized pursuant to ~~this section~~ subparagraph (B), no other charge will be made to the parties.

~~(b) The following provisions apply in municipal court:~~

~~(1) In addition to any other trial court fee required in civil cases, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for official reporting services on the first and each succeeding judicial day those services are required.~~

~~(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court at the beginning of the second and each succeeding day's court session.~~

~~(3) For purposes of this section, "one-half day" means any period of judicial time during either the morning or afternoon court session.~~

~~(4) The costs for the official reporting services shall be recoverable as taxable costs at the conclusion of trial.~~

~~(5) The Judicial Council shall adopt rules to ensure all of the following:~~

1 ~~(A) That litigants receive adequate information about any~~  
2 ~~change in the availability of official reporting services.~~

3 ~~(B) That if official reporting services are not available, a party~~  
4 ~~may arrange for the presence of a certified shorthand reporter to~~  
5 ~~serve as an official pro tempore reporter, the costs therefore~~  
6 ~~recoverable as provided in paragraph (4).~~

7 ~~(C) That if the services of a pro tempore reporter are utilized~~  
8 ~~because official reporting services are unavailable, no other charge~~  
9 ~~will be made to the parties for recording the proceeding. The fees~~  
10 ~~collected pursuant to this section shall only be used to pay the cost~~  
11 ~~for services of an official reporter in civil proceedings.~~

12 *(c) The Judicial Council shall report on or before February 1*  
13 *of each year to the Joint Legislative Budget Committee on the total*  
14 *fees collected and the total amount spent for official court reporter*  
15 *services in civil proceedings in the prior fiscal year.*

16 *SEC. 15. Section 68926 of the Government Code is amended*  
17 *to read:*

18 68926. The fee for filing a notice of appeal in a civil case  
19 appealed to a court of appeal is ~~two hundred sixty-five~~ *four*  
20 *hundred eighty-five* dollars ~~(\$265)~~ *(\$485)*. The fee for filing a  
21 petition for a writ within the original civil jurisdiction of the  
22 Supreme Court is ~~two hundred~~ *four hundred twenty* dollars ~~(\$200)~~  
23 *(\$420)*. The fee for filing a petition for a writ within the original  
24 civil jurisdiction of a court of appeal is ~~two hundred sixty-five~~ *four*  
25 *hundred eighty-five* dollars ~~(\$265)~~ *(\$485)*. These fees are in full,  
26 for all services, through the rendering of the judgment or the  
27 issuing of the remittitur or peremptory writ, except the fee imposed  
28 by Section 68927. The Judicial Council may make rules governing  
29 the time and method of payment of these fees, and providing for  
30 excuse therefrom in appropriate cases. A fee may not be charged  
31 in appeals from, nor petitions for writs involving, juvenile cases  
32 or proceedings to declare a minor free from parental custody or  
33 control.

34 *SEC. 16. Section 68926.1 of the Government Code is*  
35 *amended to read:*

36 68926.1. (a) Upon filing a notice of appeal for which a fee is  
37 paid pursuant to Section 68926, the appellant shall deposit the sum  
38 of one hundred dollars (\$100) with the clerk of the originating  
39 court. The deposit shall be credited against the amount chargeable



1 for the preparation of the clerk's transcript or any other appeal  
2 processing or notification.

3 The deposit shall be forfeited in the event of abandonment or  
4 dismissal of appeal prior to filing of the record in the reviewing  
5 court.

6 *(b) Upon filing a notice of appeal for which a fee is paid*  
7 *pursuant to Section 68926, the appellant shall pay an additional*  
8 *fee in the amount of one hundred seventy dollars (\$170). The fees*  
9 *collected pursuant to this subdivision shall be deposited with the*  
10 *Controller for deposit in the Appellate Court Trust Fund.*

11 *SEC. 17. Section 68927 of the Government Code is amended*  
12 *to read:*

13 68927. The fee for filing a petition for hearing in a civil case  
14 in the Supreme Court after decision in a court of appeal is ~~two~~  
15 ~~hundred~~ four hundred twenty dollars ~~(\$200)~~ (\$420).

16 *SEC. 18. Section 68933 is added to the Government Code, to*  
17 *read:*

18 68933. *(a) There is hereby established the Appellate Court*  
19 *Trust Fund, the proceeds of which shall be used for the purpose of*  
20 *funding the courts of appeal and the Supreme Court.*

21 *(b) The fund, upon appropriation by the Legislature, shall be*  
22 *apportioned by the Controller as follows:*

23 *(1) One-half of the amount received from a court of appeal or*  
24 *the Supreme Court shall be allocated to that court, on a quarterly*  
25 *basis.*

26 *(2) The remainder of the money in the Appellate Court Trust*  
27 *Fund shall be allocated to the courts of appeal and the Supreme*  
28 *Court as determined by the Judicial Council, taking into*  
29 *consideration all other funds available to each court and the needs*  
30 *of each court, in a manner that promotes equal access to the courts,*  
31 *ensures the ability of the courts to carry out their functions, and*  
32 *promotes implementation of statewide policies. The Judicial*  
33 *Council may delegate its authority to make the determination*  
34 *under this paragraph to the Administrative Presiding Justices*  
35 *Advisory Committee established by Rule 6.52 of the California*  
36 *Rules of Court.*

37 *(c) Notwithstanding any other provision of law, the fees listed*  
38 *in subdivision (d) shall all be deposited upon collection with the*  
39 *Controller for deposit in the Appellate Court Trust Fund.*

(d) *This section applies to all fees collected pursuant to Section 68926, excluding that portion subject to Section 68926.3; subdivision (b) of Section 68926.1; and Sections 68927, 68928, 68929, 68930, and 68932.*

(e) *Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.*

(f) *The Appellate Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Appellate Court Trust Fund semiannually and used as specified in this section.*

SEC. 19. *Section 69926.5 is added to the Government Code, to read:*

69926.5. (a) *To ensure and maintain adequate funding for court security, a surcharge of twenty dollars (\$20) is added to the total fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056.*

(b) *Notwithstanding any other provision of law, the surcharges collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury, and transmitted therefrom monthly to the State Controller for deposit in the Trial Court Trust Fund.*

SEC. 20. *Section 69927 of the Government Code is amended to read:*

69927. (a) *It is the intent of the Legislature in enacting this section to develop a definition of the court security component of court operations that modifies Function 8 of Rule 810 of the California Rules of Court in a manner that will standardize billing and accounting practices and court security plans, and identify allowable law enforcement security costs after the operative date of this article. It is not the intent of the Legislature to increase or decrease the responsibility of a county for the cost of court operations, as defined in Section 77003 or Rule 810 of the California Rules of Court, as it read on July 1, 1996, for court security services provided prior to January 1, 2003. It is the intent of the Legislature that a sheriff or marshal's court law enforcement budget may not be reduced as a result of this article. Any new court*

security costs permitted by this article shall not be operative unless the funding is provided by the Legislature.

(1) The Judicial Council shall adopt a rule establishing a working group on court security. The group shall consist of six representatives from the judicial branch of government, as selected by the Administrative Director of the Courts, two representatives of the counties, as selected by the California State Association of Counties, and three representatives of the county sheriffs, as selected by the California State Sheriffs' Association.

It is the intent of the Legislature that this working group may recommend modifications only to the template used to determine that the security costs submitted by the courts to the Administrative Office of the Courts are permitted pursuant to this article. The template shall be a part of the trial court's financial policies and procedures manual and used in place of the definition of law enforcement costs in Function 8 of Rule 810 of the California Rules of Court. If the working group determines that there is a need to make recommendations to the template that specifically involve law enforcement or security personnel in courtrooms or court detention facilities, the membership of the working group shall change and consist of six representatives from the judicial branch of government selected by the Administrative Director of the Courts, two representatives of the counties selected by the California State Association of Counties, two representatives of the county sheriffs selected by the California State Sheriffs' Association, and two representatives of labor selected by the California Coalition of Law Enforcement Associations.

(2) *The Judicial Council shall establish a working group on court security to promulgate recommended uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. The working group shall consist of representatives from the judicial branch of government, the California State Sheriffs' Association, the California State Association of Counties, the Peace Officer's Research Association of California, and the California Coalition of Law Enforcement Associations, for the purpose of developing guidelines.*

(3) When mutually agreed to by the courts, county, and the sheriff or marshal in any county, the costs of perimeter security in

1 any building that the court shares with any county agency,  
2 excluding the sheriff or marshal's department, shall be  
3 apportioned based on the amount of the total noncommon square  
4 feet of space occupied by the court and any county agency.

5 ~~(3)~~

6 (4) "Allowable costs for equipment, services, and supplies,"  
7 as defined in the contract law enforcement template, means the  
8 purchase and maintenance of security screening equipment and the  
9 cost of ammunition, batons, bulletproof vests, handcuffs, holsters,  
10 leather gear, chemical spray and holders, radios, radio chargers  
11 and holders, uniforms, and one primary duty sidearm.

12 ~~(4)~~

13 (5) "Allowable costs for professional support staff for court  
14 security operations," as defined in the contract law enforcement  
15 template, means the salary, benefits, and overtime of staff  
16 performing support functions that, at a minimum, provide payroll,  
17 human resources, information systems, accounting, or budgeting.

18 Allowable costs for professional support staff for court security  
19 operations in each trial court shall not exceed 6 percent of total  
20 allowable costs for law enforcement security personnel services in  
21 courts whose total allowable costs for law enforcement security  
22 personnel services is less than ten million dollars (\$10,000,000)  
23 per year. Allowable costs for professional support staff for court  
24 security operations for each trial court shall not exceed 4 percent  
25 of total allowable costs for law enforcement security personnel  
26 services in courts whose total allowable costs for law enforcement  
27 security personnel services exceeds ten million dollars  
28 (\$10,000,000) per year. Additional costs for services related to  
29 court-mandated special project support, beyond those provided for  
30 in the contract law enforcement template, are allowable only when  
31 negotiated by the trial court and the court law enforcement  
32 provider. Allowable costs shall not exceed actual costs of  
33 providing support staff services for law enforcement security  
34 personnel services.

35 The working group established pursuant to paragraph (1) of  
36 subdivision (a) of ~~Section 69927~~ may periodically recommend  
37 changes to the limit for allowable costs for professional support  
38 staff for court security operations based on surveys of actual  
39 expenditures incurred by trial courts and the court law  
40 enforcement provider in the provision of law enforcement security

1 personnel services. Limits for allowable costs as stated in this  
2 section shall remain in effect until changes are recommended by  
3 the working group and adopted by the Judicial Council.

4 ~~(5)~~

5 (6) “Allowable costs for security personnel services,” as  
6 defined in the contract law enforcement template, means the salary  
7 and benefits of an employee, including, but not limited to, county  
8 health and welfare, county incentive payments, deferred  
9 compensation plan costs, FICA or Medicare, general liability  
10 premium costs, leave balance payout commensurate with an  
11 employee’s time in court security services as a proportion of total  
12 service credit earned after January 1, 1998, premium pay,  
13 retirement, state disability insurance, unemployment insurance  
14 costs, worker’s compensation paid to an employee in lieu of salary,  
15 worker’s compensation premiums of supervisory security  
16 personnel through the rank of captain, line personnel, inclusive of  
17 deputies, court attendants, contractual law enforcement services,  
18 prisoner escorts within the courts, and weapons screening  
19 personnel, court required training, and overtime and related  
20 benefits of law enforcement supervisory and line personnel.

21 (A) The Administrative Office of the Courts shall use the actual  
22 salary and benefits costs approved for court law enforcement  
23 personnel as of June 30 of each year in determining the funding  
24 request that will be presented to the Department of Finance.

25 (B) Courts and court security providers shall manage their  
26 resources to minimize the use of overtime.

27 ~~(6)~~

28 (7) “Allowable costs for vehicle use for court security needs,”  
29 as defined in the contract law enforcement template, means the per  
30 mile recovery cost for vehicles used in rendering court law  
31 enforcement services, exclusive of prisoner or detainee transport  
32 to or from court. The standard mileage rate applied against the  
33 miles driven for the above shall be the standard reimbursable  
34 mileage rate in effect for judicial officers and employees at the  
35 time of contract development.

36 (b) Nothing in this article may increase a county’s obligation or  
37 require any county to assume the responsibility for a cost of any  
38 service that was defined as a court operation cost, as defined by  
39 Function 8 of Rule 810 of the California Rules of Court, as it read

1 on July 1, 1996, or that meets the definition of any new law  
2 enforcement component developed pursuant to this article.

3 *SEC. 21. Section 72055 of the Government Code is amended*  
4 *to read:*

5 72055. (a) The total fee for filing of the first paper in a limited  
6 civil case shall be ~~ninety dollars (\$90)~~ *one hundred eighty-five*  
7 *dollars (\$185)*, except that in a case where the amount demanded,  
8 excluding attorney's fees and costs, is ten thousand dollars  
9 (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The  
10 first page of the first paper shall state whether the amount  
11 demanded exceeds or does not exceed ten thousand dollars  
12 (\$10,000).

13 (b) This section applies to the initial complaint, petition, or  
14 application, and any papers transmitted from another court on the  
15 transfer of a civil action or proceeding, but does not include  
16 documents filed pursuant to Section 491.150, 704.750, or 708.160  
17 of the Code of Civil Procedure.

18 (c) The term "total fee" as used in this section and Section  
19 72056 includes any amount allocated to the Judges' Retirement  
20 Fund pursuant to Section 72056.1, any automation fee imposed  
21 pursuant to Section 68090.7, any construction fee imposed  
22 pursuant to Section 76238, and the law library fee established  
23 pursuant to Article 2 (commencing with Section 6320) of Chapter  
24 5 of Division 3 of the Business and Professions Code. The term  
25 "total fee" as used in this section and Section 72056 also includes  
26 any dispute resolution fee imposed pursuant to Section 470.3 of  
27 the Business and Professions Code, but the Judicial Council may  
28 authorize any trial court to exclude any portion of this dispute  
29 resolution fee from the term "total fee."

30 (d) The fee shall be waived in any action for damages against  
31 a defendant, based upon the defendant's commission of a felony  
32 offense, upon presentation to the clerk of the court of a certified  
33 copy of the abstract of judgment of conviction of the defendant of  
34 the felony giving rise to the claim for damages. If the plaintiff  
35 would have been entitled to recover those fees from the defendant  
36 had they been paid, the court may assess the amount of the waived  
37 fees against the defendant and order the defendant to pay that sum  
38 to the county.

39 (e) *This section shall become inoperative on July 1, 2006, and,*  
40 *as of January 1, 2007, is repealed, unless a later enacted statute*



1 *that is enacted before January 1, 2007, deletes or extends the dates*  
2 *on which it becomes inoperative and is repealed.*

3 *SEC. 22. Section 72055 is added to the Government Code, to*  
4 *read:*

5 *72055. (a) The total fee for filing of the first paper in a limited*  
6 *civil case shall be ninety dollars (\$90), except that in a case where*  
7 *the amount demanded, excluding attorney's fees and costs, is ten*  
8 *thousand dollars (\$10,000) or less, the fee shall be eighty-three*  
9 *dollars (\$83). The first page of the first paper shall state whether*  
10 *the amount demanded exceeds or does not exceed ten thousand*  
11 *dollars (\$10,000).*

12 *(b) This section applies to the initial complaint, petition, or*  
13 *application, and any papers transmitted from another court on the*  
14 *transfer of a civil action or proceeding, but does not include*  
15 *documents filed pursuant to Section 491.150, 704.750, or 708.160*  
16 *of the Code of Civil Procedure.*

17 *(c) The term "total fee" as used in this section and Section*  
18 *72056 includes any amount allocated to the Judges' Retirement*  
19 *Fund pursuant to Section 72056.1, any automation fee imposed*  
20 *pursuant to Section 68090.7, any construction fee imposed*  
21 *pursuant to Section 76238, and the law library fee established*  
22 *pursuant to Article 2 (commencing with Section 6320) of Chapter*  
23 *5 of Division 3 of the Business and Professions Code. The term*  
24 *"total fee" as used in this section and Section 72056 also includes*  
25 *any dispute resolution fee imposed pursuant to Section 470.3 of the*  
26 *Business and Professions Code, but the Judicial Council may*  
27 *authorize any trial court to exclude any portion of this dispute*  
28 *resolution fee from the term "total fee."*

29 *(d) The fee shall be waived in any action for damages against*  
30 *a defendant, based upon the defendant's commission of a felony*  
31 *offense, upon presentation to the clerk of the court of a certified*  
32 *copy of the abstract of judgment of conviction of the defendant of*  
33 *the felony giving rise to the claim for damages. If the plaintiff*  
34 *would have been entitled to recover those fees from the defendant*  
35 *had they been paid, the court may assess the amount of the waived*  
36 *fees against the defendant and order the defendant to pay that sum*  
37 *to the county.*

38 *(e) This section shall become operative July 1, 2006.*

39 *SEC. 23. Section 72056 of the Government Code is amended*  
40 *to read:*

1 72056. (a) The total fee for filing of the first paper in a  
2 limited civil case on behalf of any party other than a plaintiff shall  
3 ~~be eighty dollars (\$80)~~ *one hundred eighty-five dollars (\$185),*  
4 *except that in a case where the amount demanded, excluding*  
5 *attorney's fees and costs, is ten thousand dollars (\$10,000) or less,*  
6 *the fee shall be eighty dollars (\$80).*

7 (b) *This section shall become inoperative on July 1, 2006, and,*  
8 *as of January 1, 2007, is repealed, unless a later enacted statute*  
9 *that is enacted before January 1, 2007, deletes or extends the dates*  
10 *on which it becomes inoperative and is repealed.*

11 SEC. 24. Section 72056 is added to the Government Code, to  
12 read:

13 72056. (a) *The total fee for filing of the first paper in a limited*  
14 *civil case on behalf of any party other than a plaintiff shall be*  
15 *eighty dollars (\$80).*

16 (b) *This section shall become operative July 1, 2006.*

17 SEC. 25. Section 1465.8 is added to the Penal Code, to read:

18 1465.8. (a) (1) *To ensure and maintain adequate funding for*  
19 *court security, a fee of twenty dollars (\$20) shall be imposed on*  
20 *every conviction for a criminal offense, including a traffic offense,*  
21 *except parking offenses as defined in subdivision (i) of Section*  
22 *1463, involving a violation of a section of the Vehicle Code or any*  
23 *local ordinance adopted pursuant to the Vehicle Code.*

24 (2) *For the purposes of this section, "conviction" includes the*  
25 *dismissal of a traffic violation on the condition that the defendant*  
26 *attend a court-ordered traffic violator school, as authorized by*  
27 *Sections 41501 and 42005 of the Vehicle Code. This security fee*  
28 *shall be deposited in accordance with subdivision (d), and may not*  
29 *be included with the fee calculated and distributed pursuant to*  
30 *Section 42007 of the Vehicle Code.*

31 (b) *This fee shall be in addition to the state penalty assessed*  
32 *pursuant to Section 1464 and may not be included in the base fine*  
33 *to calculate the state penalty assessment as specified in*  
34 *subdivision (a) of Section 1464.*

35 (c) *When bail is deposited for an offense to which this section*  
36 *applies, and for which a court appearance is not necessary, the*  
37 *person making the deposit shall also deposit a sufficient amount*  
38 *to include the fee prescribed by this section.*

39 (d) *Notwithstanding any other provision of law, the fees*  
40 *collected pursuant to subdivision (a) shall all be deposited in a*

1 *special account in the county treasury and transmitted therefrom*  
2 *monthly to the Controller for deposit in the Trial Court Trust Fund.*

3 *(e) The Judicial Council shall provide for the administration of*  
4 *this section.*

5 *SEC. 26. Notwithstanding Section 17610 of the Government*  
6 *Code, if the Commission on State Mandates determines that this*  
7 *act contains costs mandated by the state, reimbursement to local*  
8 *agencies and school districts for those costs shall be made*  
9 *pursuant to Part 7 (commencing with Section 17500) of Division*  
10 *4 of Title 2 of the Government Code. If the statewide cost of the*  
11 *claim for reimbursement does not exceed one million dollars*  
12 *(\$1,000,000), reimbursement shall be made from the State*  
13 *Mandates Claims Fund.*

14 *SEC. 27. Sections 1, 8, 9, 11, 19, 21, 23, and 25 of this act shall*  
15 *become operative only if the total appropriation for the support of*  
16 *trial court funding in Item 0450-101-0932 of the Budget Act of*  
17 *2003, as enacted, is two billion one hundred ninety-seven million*  
18 *eight hundred sixty-four thousand dollars (\$2,197,864,000) or*  
19 *more; and in that event, shall become operative on the 15th day*  
20 *after the effective date of this act or on July 1, 2003, whichever is*  
21 *later.*

22 *SEC. 28. Sections 15, 16, 17, and 18 of this act shall become*  
23 *operative only if the total appropriation for support of the*  
24 *judiciary in Item 025-001-0001 of the Budget Act of 2003, as*  
25 *enacted, is two hundred eighty million four hundred ninety*  
26 *thousand dollars (\$280,490,000) or more; and in that event shall*  
27 *become operative on the 15th day after the effective date of this act*  
28 *or July 1, 2003, whichever is later.*

29 *SEC. 29. This act is an urgency statute necessary for the*  
30 *immediate preservation of the public peace, health, or safety*  
31 *within the meaning of Article IV of the Constitution and shall go*  
32 *into immediate effect. The facts constituting the necessity are:*

33 *In order to provide for changes to implement the Budget Act of*  
34 *2003, it is necessary that this act take effect immediately.*